

# **EXHIBIT 389**

UNDER PROTECTIVE ORDER

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

-o0o-

THE STATE OF TEXAS, et )  
al., )  
 )  
Plaintiffs, )  
 ) Civil Action No:  
v. ) 4:20-CV-957-SDJ  
 )  
GOOGLE LLC, )  
 )  
Defendant. )  
\_\_\_\_\_ )

VIDEO RECORDED REMOTE 30(b)(6) DEPOSITION OF  
THE STATE OF UTAH  
BY MARIE MARTIN

Taken via Zoom  
On Tuesday, April 30, 2024  
At 2:48 p.m.

Job No. CS6671888  
Reported by: Emily A. Gibb, RPR, CSR, CCR  
CA CSR #14551, NV CCR #709

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1 BY MS. KAPLIN:

2 Q. Has the State of Utah conducted any  
3 investigation to determine what sort of harms the  
4 State of Utah has experienced as a result of Google's  
5 alleged conduct?

6 A. The State of Utah is part of a multistate  
7 investigation, and it has been a part of that  
8 investigation for several years now. The State of  
9 Utah has also -- has conducted responses to discovery  
10 in this matter. That's my answer.

11 Q. So any investigation conducted by the State  
12 of Utah into the harms that the State has experienced  
13 was -- was done as part of the multistate  
14 investigation to Google that occurred before this  
15 suit was filed?

16 A. The State of Utah has been part of the  
17 multistate investigation, and thus -- and that is the  
18 basis for any investigation that was conducted by  
19 Utah.

20 Q. Did that investigation include an  
21 investigation into the harms experienced by the State  
22 of Utah specifically?

23 A. The State of Utah has no reason to believe  
24 that it is in any way different from harms that are  
25 nationwide that result from Google's monopolization

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1 in these markets.

2 Q. What have you done to confirm that belief?

3 MR. RYTHER: Objection to -- you're --  
4 you're wandering into some privileged work product.

5 MS. KAPLIN: I'm asking about the  
6 investigation conducted and which had to have been  
7 produced to Google as part of discovery in this  
8 action.

9 MR. RYTHER: All right.

10 Well, if you can answer without divulging  
11 work product, go ahead, Marie.

12 THE WITNESS: What have I done to respond to  
13 your question just now?

14 BY MS. KAPLIN:

15 Q. No. What has the state done -- so you  
16 previously testified that the State of Utah has no  
17 reason to believe that it is in any way different  
18 from harms that are nationwide that resulted from  
19 Google's monopolization in these markets.

20 A. Yes.

21 Q. And my question to you is: What has the  
22 State of Utah done to confirm that belief?

23 A. The State of Utah confirms this belief  
24 through being part of the multistate investigation  
25 and litigation in this matter.

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1 participated in interviews and performed discovery in  
2 this matter. I believe we also have -- actually, let  
3 me stop there. I -- I would be speculating beyond  
4 that.

5 Q. And you mentioned that the publishers you  
6 mentioned above, the in-state publishers, had not  
7 issued or made any complaints to the State of Utah in  
8 connection with Google; is that right?

9 A. We receive very, very few complaints in the  
10 Antitrust and Data Privacy Division.

11 Q. Has the State of Utah received any  
12 complaints from publishers in connection with  
13 Google's conduct related to ad tech or display  
14 advertising?

15 A. The State of Utah Office of the Attorney  
16 General has not received complaints from publishers  
17 in relation to Google's conduct, as far as I know.

18 Q. And what about complaints from advertisers?

19 A. I believe you have a complaint from an  
20 advertiser that is the first -- the Fourth Amended  
21 Complaint in this manner, that advertiser being DCP.

22 We also have complaints -- well, I'm not  
23 going to count those two consumer complaints as  
24 complaints from advertisers concerning Google's  
25 conduct, although they concern Google ad tech

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1 the welfare and economy within the state of Utah,  
2 then we would seek civil penalties based on that;  
3 however, I would leave that determination to the  
4 experts.

5 Q. Can you identify any advertisers in Utah  
6 that have been harmed by Google's conduct?

7 A. I believe I've identified one for you  
8 already. It is DCP. There are other advertisers in  
9 the state of Utah. One of them is Penna Powers. And  
10 I'm assuming that DCP is not the only client of Penna  
11 Powers within the state of Utah.

12 Beyond those, any specific advertisers, I  
13 can't list them with any degree of certainty;  
14 however, it is logical that all advertisers who use  
15 display advertising within the state of Utah are  
16 affected by Google's conduct in this matter in  
17 monopolizing these markets.

18 Q. So the state of Utah is basing its claim for  
19 harm based on logical deduction?

20 A. We are basing it --

21 MR. RYTHUR: Object to form.

22 THE WITNESS: Our claim of harm based on the  
23 facts that I have discussed, on the discovery  
24 responses in this matter, on the facts in the First  
25 Amended Complaint, on all documents in this matter,

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REPORTER'S CERTIFICATE

STATE OF UTAH )

)

COUNTY OF UTAH )

I, EMILY A. GIBB, a Certified Shorthand Reporter and Registered Professional Reporter, hereby certify:

THAT I reported the taking of the deposition of MARIE MARTIN, commencing on April 30, 2024, at 2:48 p.m.

THAT prior to being examined, the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am in no way related to any of the parties, nor I am I financially interested in the outcome of the case.

( ) Review and signature was requested.

( ) Review and signature was waived.

( ) Review and signature was not requested.

IN WITNESS THEREOF, I have subscribed my name on this 1st day of May, 2024.



Emily A. Gibb, RPR, CSR, CCR

STATE OF TEXAS V. GOOGLE LLC  
Case No. 4:20-cv-957-SDJ  
Martin Deposition Errata  
April 30, 2024

Page	Line	Original	Corrected
7	7	Deputy division director.	Deputy Division Director
14	22	finance	Finance
14	23	public information officer	Public Information Officer
17	10	constituent services	Constituent Services
17	12	constituent services	Constituent Services
17	20	constituent services	Constituent Services
18	8	10,328	10,348
10	10	14,657	15,657
10	18	deputy division director	Deputy Division Director
19	2	deputy division	Deputy Division
19	3	director	Director
22	16	"We also brought an enforcement on the case"	"We also brought an enforcement action in the case"
22	17	NDO	Litigation
25	24	in app	in-app
27	12	McLean	McLean
34	22	reserve	Reserve
34	23	price optimization	Price Optimization
34	25	dynamic allocation	Dynamic Allocation
35	1	Enhanced dynamic allocation	Enhanced Dynamic Allocation
72	12	Reserved	Reserve
72	13	price optimization	Price Optimization
72	16	Reserved price optimizations	Reserve Price Optimization
79	20	dynamic allocation and enhanced dynamic	Dynamic Allocation and Enhanced Dynamic
79	21	Allocation	Allocation
85	7	uniform pricing	Uniform Pricing
85	8	rules	Rules
85	10	dynamic allocation and enhanced dynamic	Dynamic Allocation and Enhanced Dynamic
85	11	allocation	Allocation
85	12	dynamic revenue sharing	Dynamic Revenue Sharing
99	11	a outside consult	an outside consulting
109	18	attorney general	Attorney General

Date: May 15, 2024

Signed: 



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DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof; and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief and as to those matters, I believe them to be true.

I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 15th day of May, 2024, at Carson City, Nevada.

(City and State)

  
MARIE MARTIN